

## CIVIL COVER SHEET

The JS 44 civil cover sheet is to be filed with the information required by the Federal Rules of Civil Procedure for 2007, filed 09/14/12, Page 1 of 10, PageID #: 132. It is to be filed with the information required by the Federal Rules of Civil Procedure for 2007, filed 09/14/12, Page 1 of 10, PageID #: 132. The JS 44 civil cover sheet is to be filed with the information required by the Federal Rules of Civil Procedure for 2007, filed 09/14/12, Page 1 of 10, PageID #: 132. The JS 44 civil cover sheet is to be filed with the information required by the Federal Rules of Civil Procedure for 2007, filed 09/14/12, Page 1 of 10, PageID #: 132.

**I. (a) PLAINTIFFS**

Michael Alonso and the other plaintiffs listed in the annexed caption.

(b) County of Residence of First Listed Plaintiff Sarasota County, Florida  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Adam Goodman Law Offices Berry Law PLLC  
105 West Madison Street, 15th Fl 132 Nassau Street, 13th Floor  
Chicago, IL 60602 312-238-9592 New York, NY 10038 212-355-0777

**DEFENDANTS**

Leslie Weiss and the other defendant listed in the annexed caption.

County of Residence of First Listed Defendant Cook County, Illinois

NOTE: In land condemnation cases, use the location of the tract of land involved.

Attorneys (If Known)

Novack & Macey  
100 North Riverside Plaza  
Chicago, IL 60606-1501 312-419-690

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         |                            |                            |                                                               |                            |                            |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
|                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION** (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

Violation of 15 U.S.C. 80b-6(4) which makes it a deceptive practice to ensure of quarterly statements

**VII. PREVIOUS BANKRUPTCY MATTERS** (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)

VIII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 45 million CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

IX. This case (check one box) ☒ is not a refiling of a previously dismissed action

☐ is a refiling of case number \_\_\_\_\_ previously dismissed by Judge \_\_\_\_\_

Date Signature of Attorney of Record

September 15, 2012 /s/ Eric W. Berry

**JURY TRIAL DEMANDED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

-----  
MICHAEL ALONSO, individually and derivatively )  
on behalf of Nutmeg/Mercury Fund, LLLP )  
(hereinafter within this caption, "Mercury Fund, )  
LLLP"); ALTHOLTZ FLP., individually and )  
derivatively on behalf of Nutmeg/Nanobac Fund, )  
LLLP (hereinafter within this caption, "Nanobac )  
Fund, LP"), Nutmeg/MiniFund II, LLLP (hereinafter, )  
within this caption, "Mini Fund II, LLLP"), )  
Nutmeg/Michael Fund, LP (hereinafter within this )  
caption, "Michael Fund, LP"), Nutmeg/Fortuna )  
Fund, LLLP (hereinafter within this caption, )  
"Fortuna Fund, LLLP"), and Nutmeg/Patriot Fund, )  
LLLP (hereinafter within this caption, "Patriot Fund, )  
LLLP"); LAWRENCE ALTHOLTZ ESQ., )  
individually and derivatively on behalf of Mercury )  
Fund, LLLP; MELANIE ALTHOLTZ ILIT, )  
individually and derivatively on behalf of )  
Nutmeg/Tropical Fund, LP (hereinafter within this )  
caption, "Tropical Fund, LP," Nanobac Fund, LP, )  
Fortuna Fund, LLLP, Patriot Fund, LLLP; and )  
Mercury Fund, LLLP; KARYN BLAISE )  
IRREVOCABLE TRUST, individually and )  
derivatively on behalf of Michael Fund, LP, Fortuna )  
Fund, LLLP, Patriot Fund, LLLP and Mercury Fund, )  
LLLP; RICHARD CARR, individually and )  
derivatively on behalf of Michael Fund, LP; D. )  
DOUGLAS CASSAT, as a Representative of Cassat )  
1981 Trust UAD 11/17/1981, individually and )  
derivatively on behalf of Mercury Fund, LLLP; )  
DONALD CHERMEL, individually and derivatively )  
on behalf of Fortuna Fund, LLLP, and Patriot Fund, )  
LLLP; STEPHEN CHIPMAN, individually and )  
derivatively on behalf of Tropical Fund LP, Nanobac )  
Fund, LP, Nutmeg/MiniFund, LLLP (hereinafter )  
within this caption, "MiniFund, LLLP") )  
Nutmeg/Lightning Fund I, LLLP (hereinafter within )  
this caption, "Lightning Fund I, LLLP"), )  
Nutmeg/October 2005 Fund, LLLP (hereinafter )  
within this caption, "October 2005 Fund, LLLP"), )

Case No. 12-cv-07373

Fortuna Fund, LLLP and Patriot Fund, LLLP; BRAD )  
 COHEN and ROBYN COHEN as representatives of )  
 UTD 9-11-01, individually and derivatively on )  
 behalf of Lightning Fund, LLLP, October 2005 Fund, )  
 LLLP, Michael Fund, LP and Fortuna Fund, LLLP; )  
 DILLARD COLEMAN and GLENDA COLEMAN, )  
 as representatives of the Coleman Living Trust )  
 11/7/01, individually and derivatively on behalf of )  
 Tropical Fund, LP, Nanobac Fund, LP, MiniFund II, )  
 LLLP, MiniFund II, LLLP, Lightning Fund, LLLP, )  
 October 2005 Fund, LLLP, Michael Fund, LP and )  
 Patriot Fund, LLLP; CLIFFORD R. CROSS, )  
 individually and derivatively on behalf of Patriot )  
 Fund, LLLP and Mercury Fund, LLLP; MELODIE )  
 K CROSS, individually and derivatively on behalf of )  
 Patriot Fund, LLLP and Mercury Fund, LLLP; )  
 MICHAEL J. CUMMINGS, individually and )  
 derivatively on behalf of Mercury Fund, LLLP; DEL )  
 MONTE HOLDINGS, LLC, individually and )  
 derivatively on behalf of Mercury Fund, LLLP; )  
 LAWRENCE DE PAOLO, individually and )  
 derivatively on behalf of Mercury Fund, LLLP; )  
 KENNETH DIAMOND, individually and )  
 derivatively on behalf of Fortuna Fund, LLLP and )  
 Mercury Fund, LLLP; KENNETH DIAMOND, as a )  
 representative of Pensco Trust Co. Custodian FBO )  
 Ken Diamond DI1CP, individually and derivatively )  
 on behalf of Fortuna Fund, LLLP and Mercury Fund, )  
 LLLP; PETER DOLAN, individually and )  
 derivatively on behalf of Mercury Fund, LLLP; )  
 PATRICIA EITZEN, individually and derivatively )  
 on behalf of Nanobac Fund, LP, and Tropical Fund, )  
 LP; MYRA FISHMAN, individually and )  
 derivatively on behalf of Fortuna Fund, LLLP, )  
 Patriot Fund, LLLP and Mercury Fund, LLLP; )  
 RONALD J. FISHMAN, as a representative of )  
 Pensco Trust Co. Custodian FBO Ronald J. Fishman )  
 IRA, individually and derivatively on behalf of )  
 Fortuna Fund, LLLP, Michael Fund, LP, Patriot )  
 Fund, LLLP and Mercury Fund, LLLP; ZACHARY )  
 FISHMAN, individually and derivatively on behalf )  
 of Fortuna Fund, LLLP, Patriot Fund, LLLP, and )  
 Michael Fund, LP; DANIEL FORD, individually and )

derivatively on behalf of Tropical Fund, LP, )  
 MiniFund, LLLP, MiniFund II, LLLP, Lightning )  
 Fund, LLLP, October 2005 Fund, LLLP, Michael )  
 Fund, LP, Fortuna Fund, LLLP and Patriot Fund, )  
 LLLP; DONNA FORD, individually and )  
 derivatively on behalf of Tropical Fund, LP, )  
 MiniFund, LLLP, MiniFund II, LLLP, Lightning )  
 Fund, LLLP, October 2005 Fund, LLLP, Michael )  
 Fund, LP, Fortuna Fund, LLLP and Patriot Fund, )  
 LLLP; DOUGLAS FORD, individually and )  
 derivatively on behalf of Tropical Fund, LP, )  
 MiniFund, LLLP, MiniFund II, LLLP, Lightning )  
 Fund, LLLP, October 2005 Fund, LLLP, Michael )  
 Fund, LP, Fortuna Fund, LLLP and Patriot Fund, )  
 LLLP; DWAIN FORD, individually and derivatively )  
 on behalf of Tropical Fund, LP, MiniFund, LLLP, )  
 MiniFund II, LLLP, Lightning Fund, LLLP, October )  
 2005 Fund, LLLP, Michael Fund, LP, Fortuna Fund, )  
 LLLP and Patriot Fund, LLLP; RICK FREEDMAN, )  
 as a representative of the Rick Martin Freedman )  
 Trust, individually and derivatively on behalf of )  
 Tropical Fund, L.P., Nanobac Fund, LP, MiniFund, )  
 LLLP, MiniFund II, LLLP, Lightning Fund, LLLP, )  
 October 2005 Fund and Michael Fund, LP; )  
 JEFFREY FRIEDMAN, as representative of the )  
 Jeffrey R Friedman Revocable Trust U/A dated )  
 10/26/06, individually and derivatively on behalf of )  
 Mercury Fund, LLLP; ROBERT M. GALE, )  
 individually and derivatively on behalf of Nanobac )  
 Fund, LP, MiniFund II, LLLP, Tropical Fund, LP, )  
 MiniFund, LLLP, Lightning Fund I, LLLP, and )  
 October 2005 Fund, LLLP; STANLEY GOTTLIEB, )  
 individually and derivatively on behalf of Mercury )  
 Fund, LLLP; PAUL GOUGELMAN, individually )  
 and derivatively on behalf of Patriot Fund, LLLP; )  
 BILLY E. GRACE and GLENA C. GRACE, as )  
 representatives of The Grace Family Trust, )  
 individually and derivatively on behalf of MiniFund )  
 II, LLLP; RALPH GRACIA, individually and )  
 derivatively on behalf of Tropical Fund, LP, )  
 Nanobac Fund, LP, MiniFund, LLLP, MiniFund II, )  
 LLLP, Lightning Fund, LLLP, October 2005 Fund, )  
 LLLP and Michael Fund, LP; JERRY L. HALL )

individually and derivatively on behalf of Michael )  
 Fund, LP, Fortuna Fund, LLLP, and Patriot Fund, )  
 LLLP; HANNAHLU VENTURES, LP, individually )  
 and derivatively on behalf of Mercury Fund, LLLP, )  
 Fortuna Fund, LLLP, Patriot Fund, LLLP, and )  
 Michael Fund, LP; HARRISON BUSINESS, LP, )  
 individually and derivatively on behalf of Patriot )  
 Fund, LLLP, Michael Fund, LP, Lightning Fund I, )  
 LLLP, and October 2005 Fund, LLLP; KIMBERLY )  
 C. HARRISON, individually and derivatively on )  
 behalf of Tropical Fund, LP, MiniFund, LLLP, Mini )  
 Fund II, LLLP, Nanobac Fund, LP, Patriot Fund, )  
 LLLP, Michael Fund, LP, Lightning Fund I, LLLP, )  
 and October 2005 Fund, LLLP.; STEVEN H. )  
 HARRISON, individually and derivatively on behalf )  
 of Tropical Fund, LP, MiniFund, LLLP, Mini Fund )  
 II, LLLP, Nanobac Fund, LP, Patriot Fund, LLLP, )  
 Michael Fund, LP, Lightning Fund I, LLLP, and )  
 October 2005 Fund, LLLP.; STEVEN H. )  
 HARRISON, as trustee for AMANDA L. )  
 HARRISON, individually and derivatively on behalf )  
 of Tropical Fund, LP, and October 2005 Fund, )  
 LLLP; STEVEN H. HARRISON, as trustee for S. )  
 PATRICK HARRISON, individually and )  
 derivatively on behalf of Tropical Fund, LP, )  
 Michael Fund, LP, and October 2005 Fund, LLLP; )  
 DARREN A. HEARNS, as a representative of the )  
 Hearns Family Trust, individually and derivatively )  
 on behalf of MiniFund II, LLLP; PAULA )  
 HEGGERICK, individually and derivatively on )  
 behalf of Fortuna Fund, LLLP, Patriot Fund, LLLP )  
 and Mercury Fund, LLLP; SCOTT HILL, )  
 individually and derivatively on behalf of Michael )  
 Fund, LP; PATRICIA S. HORVATH, individually )  
 and derivatively on behalf of Mercury Fund, LLLP; )  
 JAFFE REVOCABLE LIVING TRUST, )  
 individually and derivatively on behalf of Nanobac )  
 Fund, LP, Fortuna Fund, LLLP, Patriot Fund, LLLP )  
 and Mercury Fund, LLLP; BARBARA J. )  
 JOHNSON, individually and derivatively on behalf )  
 of Patriot Fund, LLLP; ROGER K JOHNSON, )  
 individually and derivatively on behalf of Patriot )  
 Fund, LLLP; ALLEN KALKSTEIN, individually )

and derivatively on behalf of Mercury Fund, LLLP; )  
MARSHALL KATZMAN, individually and )  
derivatively on behalf of Nanobac Fund, LP and )  
Mercury Fund, LLLP; HARVEY LEVIN, )  
individually and derivatively on behalf of Fortuna )  
Fund, LLLP; GLEN LUNDAHL, individually and )  
derivatively on behalf of Fortuna Fund, LLLP and )  
Mercury Fund, LLLP; ROBERTA LUNDAHL, )  
individually and derivatively on behalf of Fortuna )  
Fund, LLLP and Mercury Fund, LLLP; RAYMOND )  
LUTZE, individually and derivatively on behalf of )  
Mercury Fund, LLLP; KEVIN LYONS, individually )  
and derivatively on behalf of Fortuna Fund, LLLP )  
and Patriot Fund, LLLP; TRACY L. MEAD, )  
individually and derivatively on behalf of Mercury )  
Fund, LLLP, and Fortuna Fund, LLLP; CAROLINE )  
MICKELSON, individually and derivatively on )  
behalf of Fortuna Fund, LLLP, Patriot Fund, LLLP, )  
and Michael Fund, LP; DAVID MICKELSON, )  
individually and derivatively on behalf of Fortuna )  
Fund, LLLP, Patriot Fund, LLLP, and Michael Fund, )  
LP; SARAH MICKELSON, individually and )  
derivatively on behalf of Mercury Fund, LLLP; )  
STUART P. MILLER, MD, individually and )  
derivatively on behalf of Tropical Fund, LP, )  
Nanobac Fund, LP, MiniFund, LLLP, MiniFund II, )  
LLLP, Lightning Fund, LLLP, October 2005 Fund, )  
LLLP, Michael Fund, LP, Fortuna Fund, LLLP, )  
Patriot Fund, LLLP and Mercury Fund, LLLP; )  
MARGARET MILSTEAD, as a representative of )  
Margaret M. Milstead LT 3-7-00, individually and )  
derivatively on behalf of Tropical Fund, LP; )  
DONALD S. MONOPOLI, individually and )  
derivatively on behalf of Tropical Fund, LP, )  
Nanobac Fund, LP, Lightning Fund, LLLP, October )  
2005 Fund, LLLP, Michael Fund, LP, Fortuna Fund, )  
LLLP and Patriot Fund, LLLP; LAURA E. )  
MONOPOLI, individually and derivatively on behalf )  
of Tropical Fund, LP, Nanobac Fund, LP, Lightning )  
Fund, LLLP, October 2005 Fund, LLLP, Michael )  
Fund, LP, Fortuna Fund, LLLP and Patriot Fund, )  
LLLP; RICHARD A. NUNN, individually and )  
derivatively on behalf of Mercury Fund, LLLP; )



JAMES O'MALLEY, individually and derivatively )  
on behalf of Tropical Fund, LP, Nanobac Fund, LP, )  
MiniFund, LLLP and Michael Fund, LP; JUAN )  
PARDO DE ZELA, individually and derivatively on )  
behalf of MiniFund II, LLLP, Lightning Fund, LLLP )  
and October 2005 Fund, LLLP; LOUIS R. PERTZ, )  
individually and derivatively on behalf of Mercury )  
Fund, LLLP; FRANCIE PINKWATER, individually )  
and derivatively on behalf of Patriot Fund, LLLP and )  
Mercury Fund, LLLP; KRISZTINA PIPO, )  
individually and derivatively on behalf of MiniFund )  
II, LLLP; ERIK POCH, individually and derivatively )  
on behalf of MiniFund, LLLP, MiniFund II, LLLP, )  
Lightning Fund, LLLP October 2005 Fund, LLLP, )  
Michael Fund, LP and Fortuna Fund, LLLP; KATIE )  
POCH, individually and derivatively on behalf of )  
MiniFund I, LLLP, MiniFund II, LLLP, Lightning )  
Fund, LLLP October 2005 Fund, LLLP, Michael )  
Fund, LP and Fortuna Fund, LLLP; OSKAR R. )  
POCH, individually and derivatively on behalf of )  
Nanobac Fund, LP, MiniFund, LLLP, Lightning )  
Fund, LLLP, October 2005 Fund, LLLP, Michael )  
Fund, LP, Fortuna Fund, LLLP, Patriot Fund, LLLP )  
and Mercury Fund, LLLP; JOSEPH J. PRISCHAK, )  
individually and derivatively on behalf of Mercury )  
Fund, Michael Fund, and October 2005 Fund, LLLP; )  
STEPHANIE REGAN, individually and derivatively )  
on behalf of Mercury Fund, LLLP; BRIAN ROSS )  
REINGLASS, individually and derivatively on )  
behalf of Fortuna Fund, LLLP, and Patriot Fund, )  
LLLP; ELIZABETH REINGLASS, individually and )  
derivatively on behalf of Fortuna Fund, LLLP, and )  
Patriot Fund, LLLP; HOWARD REINGLASS, )  
individually and derivatively on behalf of Mercury )  
Fund, LLLP, Fortuna Fund, LLLP, and Patriot Fund, )  
LLLP; JO ELLEN REINGLASS, individually and )  
derivatively on behalf of Fortuna Fund, LLLP, and )  
Patriot Fund, LLLP; FRANK RIPA, individually )  
and derivatively on behalf of Tropical Fund, LP, )  
Nanobac Fund, LP, MiniFund, LLLP and October )  
2005 Fund, LLLP; JACKIE RIPA, individually and )  
derivatively on behalf of Tropical Fund, LP, )  
Nanobac Fund, LP, MiniFund, LLLP and October )

2005 Fund, LLLP; RIPA & ASSOCIATES, LLC, )  
 individually and derivatively on behalf of Tropical )  
 Fund, LP, Nanobac Fund, LP, MiniFund, LLLP and )  
 October 2005 Fund, LLLP; RIVERS )  
 ENTERPRISES, FLLP individually and derivatively )  
 on behalf of Patriot Fund, LLLP; NANCY )  
 ROGERS, as executrix for the estate of James P. )  
 Rogers and representative of Equity Trust Co. )  
 Custodian FBO James P. Rogers, IRA, individually )  
 and derivatively on behalf of Michael Fund, LP, )  
 Fortuna Fund, LLLP and Patriot Fund, LLLP; )  
 ALLEN RUBENS, individually and derivatively on )  
 behalf of MiniFund, LLLP, Lightning Fund, LLLP, )  
 October 2005 Fund, LLLP, Michael Fund, LP, )  
 Fortuna Fund, LLLP and Mercury Fund, LLLP; )  
 HOWARD SALAMON, individually and )  
 derivatively on behalf of Lightning Fund, LLLP, )  
 October 2005 Fund, LLLP, Michael Fund, LP, )  
 Fortuna Fund, LLLP, Patriot Fund, LLLP and )  
 Mercury Fund, LLLP; JASON ELLIOT SALAMON, )  
 individually and derivatively on behalf of Lightning )  
 Fund, LLLP, October 2005 Fund, LLLP, Michael )  
 Fund, LP, Fortuna Fund, LLLP, Patriot Fund, LLLP )  
 and Mercury Fund, LLLP; PAMELA SALAMON, )  
 individually and derivatively on behalf of Lightning )  
 Fund, LLLP, October 2005 Fund, LLLP, Michael )  
 Fund, LP, Fortuna Fund, LLLP, Patriot Fund, LLLP )  
 and Mercury Fund, LLLP; SAMUEL SALAMON, )  
 individually and derivatively on behalf of Lightning )  
 Fund, LLLP, October 2005 Fund, LLLP, Michael )  
 Fund, LP, Fortuna Fund, LLLP, Patriot Fund, LLLP )  
 and Mercury Fund, LLLP; SHERI SALAMON, )  
 individually and derivatively on behalf of Lightning )  
 Fund, LLLP, October 2005 Fund, LLLP, Michael )  
 Fund, LP, Fortuna Fund, LLLP, Patriot Fund, LLLP )  
 and Mercury Fund, LLLP; WILLIAM DANIEL )  
 SALAMON, individually and derivatively on behalf )  
 of Lightning Fund, LLLP, October 2005 Fund, )  
 LLLP, Michael Fund, LP, Fortuna Fund, LLLP, )  
 Patriot Fund, LLLP and Mercury Fund, LLLP; ANA )  
 SCHUSTER, individually and derivatively on behalf )  
 of MiniFund II, LLLP, October 2005 Fund, LLLP )  
 and Michael Fund, LP; GEORGENE SCHUSTER, )



individually and derivatively on behalf of MiniFund )  
 II, LLLP, October 2005 Fund, LLLP and Michael )  
 Fund, LP; ROBERT SCHUSTER, individually and )  
 derivatively on behalf of MiniFund II, LLLP, )  
 October 2005 Fund, LLLP and Michael Fund, LP; )  
 GARLAND SHEATS, individually and derivatively )  
 on behalf of Lightning Fund, LLLP, October 2005 )  
 Fund, LLLP, Michael Fund, LP, Fortuna Fund, LLLP )  
 and Patriot Fund, LLLP; JEFFRIE SILVERBERG, )  
 individually and derivatively on behalf of MiniFund, )  
 LLLP and October 2005 Fund, LLLP; DENNIS L. )  
 SMITH, individually and derivatively on behalf of )  
 Patriot Fund, LLLP and Mercury Fund, LLLP; )  
 KENNETH SNIDER, individually and derivatively )  
 on behalf of Mercury Fund, LLLP MARK )  
 SPERBER, individually and derivatively on behalf of )  
 Tropical Fund, LP, MiniFund I, LLLP, MiniFund II, )  
 LLLP, Lightning Fund, LLLP, October 2005 Fund, )  
 LLLP, Michael Fund, LP, Fortuna Fund, LLLP and )  
 Patriot Fund, LLLP; MARK SPERBER, as a )  
 representative of Resources Trust, individually and )  
 derivatively on behalf of Nanobac Fund, LP, October )  
 2005 Fund, LLLP, Michael Fund, LP, Fortuna Fund, )  
 LLLP and Patriot Fund, LLLP; PATRICIA )  
 SPERBER, individually and derivatively on behalf of )  
 Nanobac Fund, LP; LARRY A. SPINDLER, )  
 individually and derivatively on behalf of Mercury )  
 Fund, LLLP, Fortuna Fund, LLLP, and Patriot Fund, )  
 LLLP; RONALD STEVENS, individually and )  
 derivatively on behalf of Fortuna Fund, LLLP, )  
 Patriot Fund, LLLP and Mercury Fund, LLLP; )  
 TAMAR FINK, individually and derivatively on )  
 behalf of Mercury Fund, LLLP; MICHAEL )  
 TRACZUK, individually and derivatively on behalf )  
 of Mercury Fund, LLLP; JOHN R. TROUP, )  
 individually and derivatively on behalf of Patriot )  
 Fund, LLLP and Mercury Fund, LLLP; SUE S. )  
 TROUP, individually and derivatively on behalf of )  
 Patriot Fund, LLLP and Mercury Fund, LLLP; )  
 SEAN UNDERWOOD, as a representative of the )  
 Underwood Living Trust, individually and )  
 derivatively on behalf of Tropical Fund, LP; )  
 ALBERT WAKIN, individually and derivatively on )

behalf of Mercury Fund, LLLP; ADAM WHITE,  
 individually and derivatively on behalf of Tropical  
 Fund, LP, MiniFund II, LLLP, Lightning Fund, and  
 LLLP; BRITTANY WHITE, individually and  
 derivatively on behalf of Lightning Fund, LLLP,  
 Michael Fund, LP, and Fortuna Fund, LLLP; RANDI  
 WHITE, individually and derivatively on behalf of  
 Lightning Fund, LLLP, October 2005 Fund, LLLP,  
 Michael Fund, LP, Fortuna Fund, LLLP, and Patriot  
 Fund, LLLP; ASHLEY YOUNG, individually and  
 derivatively on behalf of Fortuna Fund, LLLP,  
 Patriot Fund, LLLP and Mercury Fund, LLLP;  
 BRANDT YOUNG, individually and derivatively on  
 behalf of Fortuna Fund, LLLP, Patriot Fund, LLLP  
 and Mercury Fund, LLLP; LAURIE YOUNG,  
 individually and derivatively on behalf of Fortuna  
 Fund, LLLP, Patriot Fund, LLLP and Mercury Fund,  
 LLLP; and MICHAEL YOUNG, individually and  
 derivatively on behalf of Fortuna Fund, LLLP,  
 Patriot Fund, LLLP and Mercury Fund, LLLP,

Plaintiffs,

-vs.-

LESLIE J. WEISS, BARNES & THORNBURG  
 LLP, THE NUTMEG GROUP, LLC,  
 NUTMEG/MERCURY FUND, LLLP,  
 NUTMEG/TROPICAL FUND,  
 LP, NUTMEG/FORTUNA FUND, LLLP,  
 NUTMEG/MINIFUND, LLLP,  
 NUTMEG/MINIFUND II, LLLP,  
 NUTMEG/NANOBAC FUND, LP, NUTMEG/  
 PATRIOT FUND, LLLP, NUTMEG/OCTOBER  
 2005 FUND, LLLP, NUTMEG/MICHAEL FUND,  
 LP, NUTMEG/ADZONE FUND, LP,  
 NUTMEG/STARTECH II, LP,  
 NUTMEG/LIGHTNING FUND I, LLLP and  
 NUTMEG/IMAGE GLOBE, LP,

Defendants.

Plaintiffs, by their undersigned attorneys, for their complaint, allege: